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October 4, 2006

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WRITER'S DIRECT NUMBER:

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit 1634

Attn: Mail Stop Amendment

Re:

U.S. Utility Patent Application

Application No. 10/797,164; Filed: March 9, 2004

For: Methods of Identifying Optimal Drug Combinations and

Compositions Thereof

Inventors:

PFOST et al.

Our Ref:

2512.0030003/RWE/KWM

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement;
- 2. Form PTO/SB/08A one (1) page listing twenty-one (21) cited documents (US1-US17 and FP1-FP4);
- 3. Form PTO/SB/08B one (1) page listing one (1) cited document (NPL1); and
- 4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents October 4, 2006 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kevin W. McCabe Attorney for Applicants Registration No. 41,182

RWE/KWM/egw Enclosures

591401v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PFOST et al.

Appl. No.: 10/797,164

Filed: March 9, 2004

For: Methods of Identifying Optimal

Drug Combinations and Compositions Thereof

Confirmation No.: 4027

Art Unit: 1634

Examiner: Myers, C.J.

Atty. Docket: 2512.0030003/RWE/KWM

Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of the documents **FP1-FP4 and US1-US17** cited on the attached Form PTO/SB/08A, and **NPL1** cited on the attached Form PTO/SB/08B were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 10/034,882, filed December 27, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is expected that the examiner will review the prosecution and cited art in the parent application number 10/034,882 in accordance with MPEP 2001.06(b), and

indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kevin W. McCabe Attorney for Applicants Registration No. 41,182

Date: October 4, 2006

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

of

(Use as many sheets as necessary)

Complete if Known		
Application Number	10/797,164	
Filing Date	March 9, 2004	
First Named Inventor	Dale PFOST	
Art Unit	1634	
Examiner Name	Myers, C.J.	
Attorney Docket Number	2512.0030003/RWE/FRC	

	T av.		U.S. PATENT DO		D
Examiner Cite No.1		Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines,
	Number-Kind Code ^{2 (If Known)}	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
	USI	4,623,619	11-18-1986	Owerbach, et al.	
	US2	4,683,195	07-28-1987	Mullis, et al.	
	US3	4,988,617	01-29-1991	Landegren, et al.	
	US4	5,422,253	06-06-1995	Dahlberg, et al.	
	US5	5,494,810	02-27-1996	Barany, et al.	
	US6	5,547,835	08-20-1996	Köster	
	US7	5,547,839	08-20-1996	Dower, et al.	
	US8	5,648,077	07-15-1997	Ostberg	
	US9	5,762,876	06-09-1998	Lincoln, et al.	
	US10	5,795,976	08-18-1998	Oefner, et al.	
	US11	5,846,546	12-08-1998	Hurwitz, et al.	
	US12	5,860,917	01-19-1999	Comanor, et al.	
	US13	5,888,819	03-30-1999	Goelet, et al.	
	US14	6,248,308 B1	06-19-2001	Rubin	
	US15	6,316,196 B1	11-13-2001	Morten	
	US16	6,593,092 B2	06-15-2003	Yu, et al.	
	US17	6,828,103 B2	12-07-2004	Herrington, et al.	
					
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Examiner Cite			Publication Date	Name of Patentee or	
Initials*	No.1	Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	Te
	FP1	WO 97/13875	04-17-1997	Connaught Lab	- - -
	FP2	WO 97/21833	06-19-1997	SmithKline Beecham, PLC	
	FP3	WO 99/11822	03-11-1999	Gene Logic, Inc.	
	FP4	WO 99/24571	05-20-1999	Curagen Corp.	
					
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Examiner	Date	
Signature	Considered	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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	Application Number	10/797,164	
INFORMATION DISCLOSURE	Filing Date	March 9, 2004	
STATEMENT BY APPLICANT (Use as many sheets as necessary)	First Named Inventor	Dale PFOST	
	Art Unit	1634	
	Examiner Name	Myers, C.J.	

Attorney Docket Number

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²	
	NPL1	Nickerson,, et al., "PolyPhred: Automating the Detection and Genotyping of Single Nucleotide Substitutions Using Fluorescence-Based Resequencing," Nucleic Acids Res. 25:2745-2751 (1997)		
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of

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Signature	 Considered	

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